IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Civil Application No.5726 of 1998.

IN

Second Appeal No.244 of 1997.

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Register's orders.	Court's or Judge's Orders

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CORAM : A.H. JOSHI, J.
DATED : 16 /11/2006.

1. Heard Learned Advocate Mr. Shishikant Borkar who has filed his power for Advocate Mr. P. N. Sangidwar and Advocate Mr. Katore who were called to show cause vide order dated 16-10-2006.

2. Perused the written explanations and heard oral submissions of learned Advocate Mr. Borkar who does not dispute the proposition that the Lawyers duty did not end barely by returning the papers rather they ought to have applied for withdrawal after following due process of filing a

pursis for withdrawal or no instructions pursis.

3. Accepting the statement contained in the affidavits of both these Advocates, this Court finds that though absence is not wholly justified, Learned Advocates were led to believe that the applicant may make alternate arrangement.

4. In these circumstances this Court discharges the notice of action against the learned advocates.

5. It is clear that the applicant has taken away the papers from learned Advocate, this fact is stated by the Advocates on oath. It is clear that the applicant is not interested in prosecuting the petition.

6. Civil Application No.5726 of 1998 and MCAST No.16351 of 1998 are dismissed for want of prosecution.

JUDGE

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